IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 18128 of 2005(G)

PETITIONER:

M.V.REEMA RANI, AGED 26 YEARS,
W/O.AJAYAPALAN, RANI BAHVAN, PERINGAMMALA,
KALLIYOOR P.O. THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENTS:

1. **THIRUVANANTHAPURAM DISTRICT CO-OEPRATIVE BANK, REPRESENTED BY ITS GENERAL MANAGER, HEAD OFFICE, FORT, THIRUVANANTHAPURAM.**
2. **THE STATE OF KERALA, REP. BY ITS SECRETARY, CO-OEPRATIVE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
3. **THE REGISTRAR OF CO-OEPRATIVE SOCIETIES, THIRUVANANTHAPURAM.**
4. **THE JOINT REGISTRAR OF CO-OEPRATIVE SOCIETIES, THIRUVANANTHAPURAM.**
5. **THE KERALA PUBLIC SERVICE COMMISSION, REP. BY ITS SECRETARY, PATTOM, THIRUVANANTHAPURAM.**

***ADDL.R6 TO R8 ARE IMPLEADED:**

R6. C.S.SURENDRAN,
1ST GRADE TYPIST, HEAD OFFICE,
THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK,
FORT, THIRUVANANTHAPURAM.

...2/-

R7. P.R.SATHYABHAMA,
1ST GRADE TYPIST,
HEAD OFFICE, THIRUVANANTHAPURAM DISTRICT
CO-OPERATIVE BANK, FORT, THIRUVANANTHAPURAM.

R8. P.RAJAMMA,
1ST GRADE TYPIST,
HEAD OFFICE, THIRUVANANTHAPURAM DISTRICT
CO-OPERATIVE BANK, FORT, THIRUVANANTHAPURAM.

(ADDL.R6 TO R8 ARE IMPLEADED AS PER ORDER DT. 30/05/2006
IN I.A.NO.6784/06)

BY ADV. SRI.V.G.ARUN
SRI.P.C.SASIDHARAN, SC, KPSC for R5
SRI.V.RAJENDRAN for Addl.R6 to R8
SRI.T.R.HARIKUMAR for R1
BY SR.GOVT.PLEADER SRI.P.K.RAVIKRISHNAN for R2 to R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF ADMISSION TICKET ISSUED TO THE PETITIONER BY THE 5TH RESPONDENT.**

EXT.P2: **COPY OF RANK LIST PUBLISHED BY 5TH RESPONDENT.**

1ST RESPONDENT'S EXHIBITS:

EXT.R1(A): **COPY OF RELEVANT PORTION OF ORDER OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES.**

EXT.R1(B): **COPY OF THE FEEDER CATEGORY RULES (ORDER NO.EM-48532/80/ K.DIS. DTD. 26/12/1980 OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES).**

8TH RESPONDENT'S EXHIBITS:

EXT.R8(A): **COPY OF THE MEMO DTD. 11/10/1996 OF THE 1ST RESPONDENT.**

EXT.R8(B): **COPY OF THE MEMO DTD. 01/08/1991 OF THE 1ST RESPONDENT.**

EXT.R8(C); **COPY OF THE PROCEEDINGS DTD. 19/08/1991 OF THE 1ST RESPONDENT.**

/TRUE COPY/

Kss

K.PADMANABHAN NAIR, J.

W.P.(C)No. 18128 OF 2005

Dated this the 12th day of February, 2007

J U D G M E N T

The petitioner was one of the candidates who applied for the post of Steno-Typist notified by the 1st respondent bank. The test was conducted and the rank list was published on 28.8.2002. Admittedly nobody from the rank list was appointed to the post of Steno-Typist. The petitioner whose name is included in the rank list with Rank No.4 and with the community benefit for Ezhava has filed this writ petition for a mandamus to the 1st respondent to report the vacancies of the Steno-Typist to PSC and direct PSC to issue advice memo.

2. The writ petition was filed on 15.6.2005, taking note of the fact that the list was due to expire on 27.8.2005. A learned single judge of this Court directed 1st respondent bank to file a statement on or before 24.8.2005. Subsequently, on 24.8.2005 this court directed the 1st respondent bank to report three vacancies in the post of Steno-Typist provisionally. The PSC was directed not to issue any advice memo until further orders. Accordingly, three vacancies were reported.

3. In view of the contention raised by the 1st respondent bank, petitioner filed a petition to implead respondents 6 to 8 . Respondents 6 to 8 appeared and filed counter affidavit stating that they are not working in the post of Steno-Typist but they are working in the post of Typist. It is seen that they were appointed as early as in 1996. It is also seen that one Smt. Sathikumari was appointed through PSC as typist on 14.11.1997. Going by the materials on records, the post of Steno-Typist and Typist-Clerk are different and not a common category. A person appointed as typist is not entitled to work as Steno-Typist. Three vacancies of Steno-Typist are still lying vacant. It is only just and proper that the 5th respondent PSC issues advice memos to three candidates in accordance with the rule to be filled up for the post of three vacancies of Steno-Typist.

4. In the result, this writ petition is allowed in the following manner:

The 5th respondent PSC shall issue advice memos to the eligible candidates whose names were included in the rank list published and for which vacancies were notified by the bank in pursuance of the interim order passed by this court on 24.8.2005, as expeditiously as possible. The 1st respondent Bank shall

appoint those three persons to the posts of Steno-Typist as expeditiously as possible, at any rate, within one month from the date of receipt of the advice memo.

(K.PADMANABHAN NAIR, JUDGE)

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